

Ballast Water Management: Policy Developments Nationally and Internationally

Allegra Cangelosi
Senior Policy Analyst,
Northeast-Midwest Institute
www.nemw.org

Outline of Presentation

- Existing Domestic Law, and Possible Outcomes
- Proposed Domestic Law (NAISA)
- IMO Status, Prospects

Existing Law

- 1990 – NANPCA - Great Lakes Program
- 1993 – Great Lakes Regulations
- 1996 – NISA – National Program
- 2004? – National Regulations?

Pending for all – Process for substitution of treatment for ballast water exchange ...

Proposed Law: National Aquatic Invasive Species Act of 2003

Senate Lead Sponsors

■ Levin, Collins

House Lead Sponsors:

■ Ehlers, Gilchrest,
Baird, Ortiz

Requirements on All Vessels Visiting a US Port

- Aquatic Invasive Species Mgmt Plan
- Best Management Practices (including to reduce hull fouling)
- Report ballast ops and management
- If enters service after January 1, 2006, ballast treatment to meet standards
- If travel within an area in which a rapid response strategy approved by the Secretary is being implemented, participation in that strategy.

For Vessels Visiting US Ports from Outside the EEZ

- New mandatory ballast water management program incorporating national standards and certification procedures
- Regulations must facilitate and encourage use of approved ballast treatment

For Vessels Visiting a Great Lakes Port from Outside the EEZ

- Review and revision of existing Program to incorporate national standards and certification procedures, and to otherwise improve the Program
- Sunsets if, based on Governors' input, the national program is determined to be no less protective

National Standards: “Interim”

- Ballast Water Exchange: an operational performance of 95% volumetric exchange, and contingency actions, OR
- Ballast Water Treatment: a biological performance of 95% reduction in specific aquatic taxa.
- Apply until 2011 at the latest.

National Standards: “Final”

- Coast Guard and EPA develop it over a 4 year period
- To be implemented by 2011
- Goal is to eliminate risk of translocation of non-native species by ships (whole)
- Uses Best Available Technology Economically Achievable
- Applies to any and all practices (BWE, BWT, etc) proposed for use

National Certification and Approval

- Protocols measure effectiveness, occupational safety, environmental soundness, and useful lifespan
- Qualified by characteristics that may limit performance (voyage pattern, duration),
- Valid for the lesser of 10 years or the expected useful life of the system,
- Subject to renewal
- Monitored by the Coast Guard

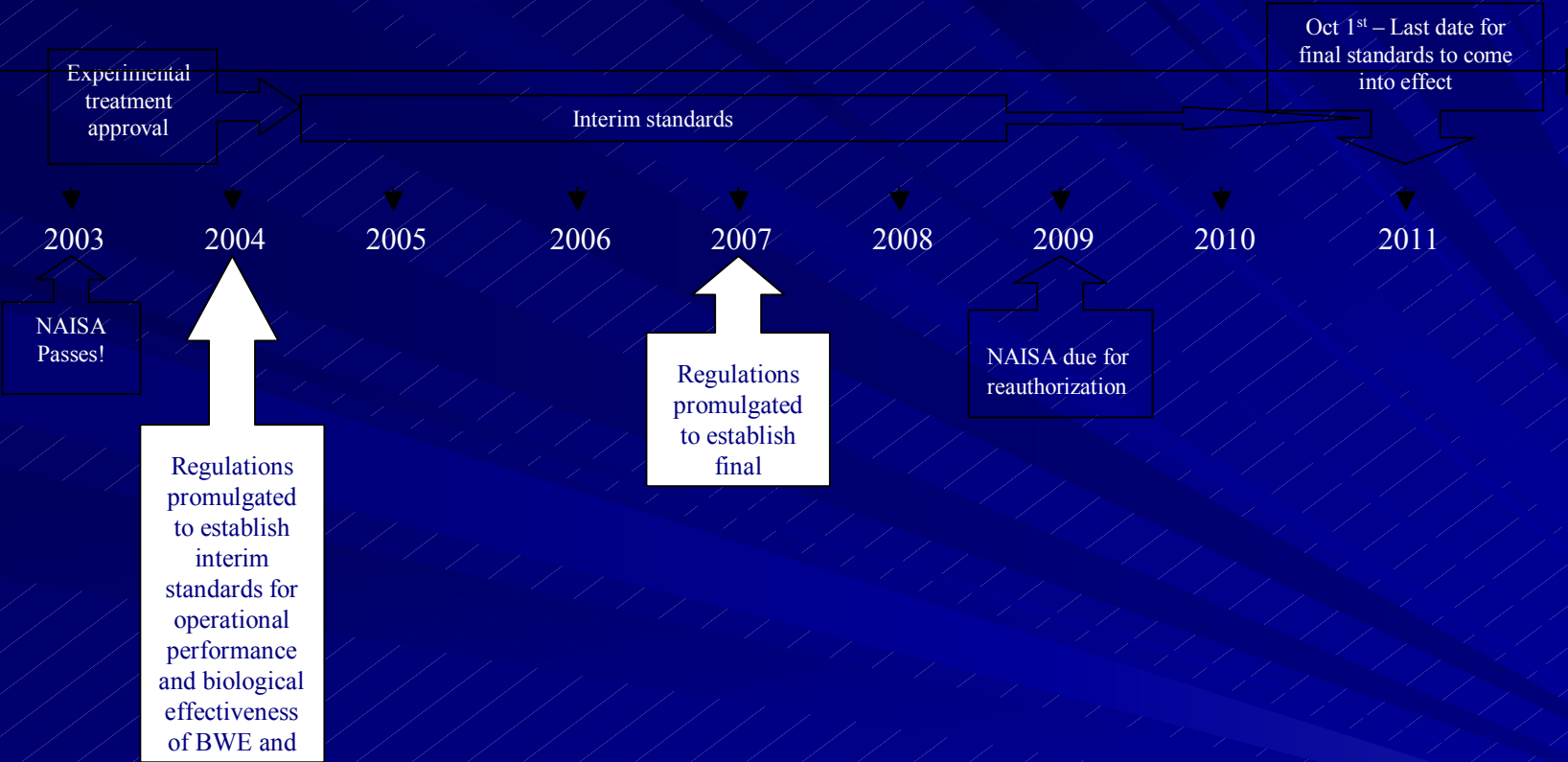
Experimental Treatment Approval

- Applies prior to promulgation of interim standards and certification protocols
- Valid for the lesser of 10 years or the life of the system, and subject to renewal
- No more than 10 vessels within a class per system
- Ship owners agree to gather info on system effectiveness

Program, Standards, and Protocols

- Subject to environmental soundness criteria, and
- Subject to periodic review and revision

- Vessel Standards Timeline



For Vessels Engaged in Coastal Voyages

- Subject to the final standard for ballast water treatment upon its implementation (by 2011)
- Exception: A vessel that travels exclusively in an area determined to be hydrographically distinct will be exempt from those standards

IMO

- BMP's
- BWE or alternative (all ships)
- Final standard -- xx orgs/liter above a certain size, bacteria limits (Only new ships)
- Entry into force about 5 years from convention; final standard about 2016-2018